

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FLAME S.A.,

Plaintiff,

- against -

PRIMERA MARITIME (HELLAS) LIMITED,

Defendant.  
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09 Civ. 2118 (RMB)

**ORDER**

Plaintiff's application for an ex parte Order for Process of Maritime Attachment pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Rule B"), dated on or about March 9, 2009, is denied. See STX Panocean (UK) Co. Ltd. v. Glory Wealth Shipping Pte Ltd., et al., No. 08-6131-cv, slip op. at 10 (2d Cir. Mar. 19, 2009) (per curiam).

Plaintiff acknowledges that "Defendant has registered to do business in New York," (Aff. of William R. Bennett, III, dated Mar. 9, 2009, ¶ 2), which "is sufficient to satisfy both prongs of the Seawind [Compania, S.A. v. Crescent Line, Inc., 320 F.2d 580, 581-82 (2d Cir. 1963)] Test and, therefore, a company registered with the Department of State is 'found' for purposes of Rule B." STX Panocean (UK) Co. Ltd., slip op. at 10.

**SO ORDERED.**

Dated: New York, New York  
March 19, 2009



RICHARD M. BERMAN, U.S.D.J.